

How to Notify the Other Parent You Want to Move with the Children

Use these instructions if the children reside with you most of the time, and you need to notify the other parent of your wish to move *out of the school district* with the children.

You are not required to notify the other parent of your move if there is not a court order establishing visitation.

Do not use these instructions if you intend to move within the same school district. Speak to a facilitator instead.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court
516 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th Ave North, Room 3D
Kent, WA 98032

Step 1: Fill out these forms

These forms can be downloaded at www.courts.wa.gov/forms.

| Form Name | Form Number | Notes | Completed |
|---|-----------------|-------|--------------------------|
| Notice of Intent to Move with Children (Relocation) | FL Relocate 701 | | <input type="checkbox"/> |

If you are requesting to change **anything** in your Parenting Plan or Residential Schedule, you will also need to complete:

| | | | |
|----------------|-------------------|---|--------------------------|
| Parenting Plan | FL All Family 140 | Use the form Residential Schedule (FL Parentage 304) if the parents are unmarried and have a Residential Schedule instead of a Parenting Plan. | <input type="checkbox"/> |
|----------------|-------------------|---|--------------------------|

Choose one of the following:

| | | | |
|---------------------------|-------------------|-------------|--------------------------|
| Proof of Personal Service | FL All Family 101 | See Step 4. | <input type="checkbox"/> |
| Proof of Service by Mail | FL All Family 107 | See Step 4. | <input type="checkbox"/> |

Step 2: Ask to limit the information you put in the Notice of Intent to Move if you have safety concerns

If giving your home address, or information about the school, in the *Notice of Intent to Move with Children* will put your safety or that of your children at risk, you can ask the court for permission to keep this information confidential.

Fill out these forms, which can be downloaded at www.courts.wa.gov/forms.

| Form Name | Form Number | Notes | Completed |
|---|-----------------|--|--------------------------|
| Motion to Limit Notice of Intent to Move with Children (Ex Parte) | FL Relocate 702 | Explain why you are concerned for your safety or your children's safety. | <input type="checkbox"/> |
| Order on Motion to Limit Notice of Intent to Move with Children | FL Relocate 703 | | <input type="checkbox"/> |

Take these completed forms to the Ex Parte Department, Room W-325 in Seattle and Room 1J in Kent, along with the forms in step 1.

If the court signs your *Order on Motion to Limit Notice of Intent to Move with Children*, follow the court order.

Step 3: Make copies and file with the Clerk

How many copies do I need?

1. Original set of all the forms from Step 1 and 2 to file with the Clerk's Office.
2. Copy 1 is for your records.
3. Copy 2 is to serve the other party.

File the original forms from Step 1 and any forms you completed in Step 2 with the Clerk's Office (Kent 2C, Seattle E609).

Step 4: Have the Other Parent Served

What to Serve

All the forms from Step 1 and 2 need to be served to the other parent.

How to Serve

You must have **someone else** over the age of 18 personally serve (give the documents directly to) the other party **or someone else** to mail the documents via certified mail.

If the forms are personally served, the server fills out the *Proof of Personal Service* form and returns it to you. File the original with the Clerk's Office and keep a copy for your records.

If the forms are mailed via certified mail, the person who mailed the forms fills out the *Proof of Service by Mail*. File the original with the Clerk's Office and keep a copy for your records.

Deadlines for Service

The other parent must be served 60 days before you move, unless:

- You find out about the move less than 60 days before it must happen and you notify the other parent within 5 days of learning of the need to move.
- You are entering a domestic violence shelter. The other parent must be served within 21 days of entering the shelter.
- The move is necessary to protect your health or safety or that of the children. The other parent must be served within 21 days of entering the shelter.

Step 5: Wait for the Other Parent to file an Objection

The other parent has 30 days to file the *Objection about Moving with Children* form with the Clerk's Office.

If that form is not filed, you can ask the court to allow the move and change the *Parenting Plan* or *Residential Schedule*, if you requested any changes.

Ask for a court date by filling out the *Notice of Court Date (Commissioners)*.

| Form Name | Form Number | Notes | Completed |
|--------------------------------------|---|--|--------------------------|
| Notice of Court Date (Commissioners) | Kent or Seattle | Download the form at http://www.kingcounty.gov/courts/scforms.aspx | <input type="checkbox"/> |

Choose a date for your court hearing. The date you choose **must** be at least **14 days** after the day you file the *Notice of Court Date (Commissioners)* with the Clerk's Office.

When you go to the hearing, bring the originals of the following forms filled out:

| Form Name | Form Number | Notes | Completed |
|--|-------------------|---|--------------------------|
| Ex Parte Motion for Final Order Changing Parenting Plan—No Objection to Moving with Children | FL Relocate 706 | | <input type="checkbox"/> |
| Ex Parte Order on Motion for Final Order Changing Parenting Plan—Moving with Children | FL Relocate 707 | | <input type="checkbox"/> |
| Parenting Plan | FL All Family 140 | Use the form Residential Schedule (FL Parentage 304) if the parents are unmarried and have Residential Schedule instead of a Parenting Plan. | <input type="checkbox"/> |

If an Objection is filed, a trial date will be set and you will need to follow the deadlines in the *Order Setting Domestic Case Schedule*.

You will also need to respond by the deadline. Ask a facilitator for instructions on how to file a Response to the *Objection About Moving with Children*.

Attachment: Summary of the law about moving with children (Relocation Act, RCW 26.09.430 - .480)

If the custodian plans to move, s/he **must notify** every person who has court-ordered time with the children.

Move to a different school district

If the move is to a different school district, the custodian must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

- If the custodian could not reasonably have known enough information to complete the form in time to give 60 days' notice, the custodian must give notice within **5 days** after learning the information.
- If the custodian is relocating to a domestic violence shelter or moving to avoid a clear, immediate and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A custodian who believes that giving notice would put her/himself or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the custodian wants to change the *Parenting Plan* because of the move, s/he must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the custodian still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify...

A custodian who does not give the required notice may be found in contempt of court. If that happens the court can impose sanctions. Sanctions can include requiring the custodian to bring the children back if the move has already happened, and ordering the custodian to pay the other side's costs and lawyer's fees.

Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the custodian's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the custodian and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

Right to move

During the 30 days after the *Notice* was served, the custodian may not move to a different school district with the children unless s/he has a court order allowing the move.

After the 30 days, if no *Objection* is filed, the custodian may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the custodian may move with the children **pending** the final hearing on the *Objection* **unless**:

- The other party gets a court order saying the children cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the

- *Objection* was served on the custodian.
(However, the custodian may ask the court for an order allowing the move even though a hearing is pending if the custodian believes that s/he or a child is at unreasonable risk of harm.)

The court may make a different decision about the move at a final hearing on the *Objection*.

Parenting Plan after move

If the custodian served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move.
However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.

- Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 706).

Forms

You can find forms about moving with children at:

- The Washington State Courts' website:
www.courts.wa.gov/forms,
- The Administrative Office of the Courts – call:
(360) 705-5328,
- Washington LawHelp:
www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)